

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made under M.P.E.P. § 806.05(f) and that the product, as claimed, can be made by another and materially different process, such as holding the tape at a temperature above 60°C or below 40°C.

However, the Examiner has given no reasons to support the assertion that the product of Group I, a linear-recording magnetic tape having an edge on a reference edge side shorter in length than that on the other side could be produced by holding the tape at a temperature above 60°C or below 40°C to produce the predetermined curvature in the product of the process of the claims of Group I. Therefore, it is submitted that the requirements of M.P.E.P. § 806.05(f) have not been met and it is requested that the claims of Groups I and II be rejoined and examined in the present application.

Further, if the claims of Group II are ultimately found allowable, it is requested that the claims of Group I be rejoined under M.P.E.P. § 821.04 and allowed in the present application, also.

Finally, Applicants traverse the restriction requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Roland E. Martin
Registration No. 48,082

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)